

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

D. MARIA SCHMIDT, as Personal  
Representative for the Estate of Dakotah  
Dedios, Deceased, and RICHALINE DEDIOS,

Plaintiffs,

vs.

No. CIV 19-0933 JB/SCY

INTERNATIONAL PLAYTHINGS LLC,  
EPOCH COMPANY, LTD., EPOCH  
EVERLASTING PLAY, LLC, WALMART,  
INC. and MARIE SHORT,

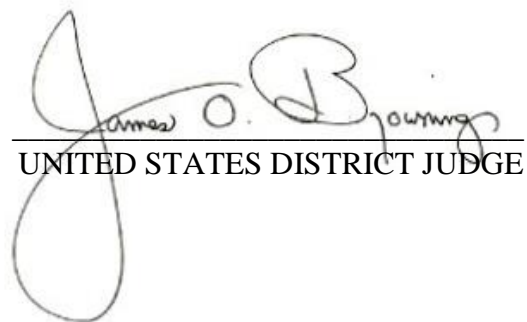
Defendants.

**FINAL JUDGMENT**

**THIS MATTER** comes before the Court on: (i) the Notice of Voluntary Dismissal Without Prejudice as to Defendant Epoch Company, LTD. Only, filed November 4, 2019 (Doc. 20)(“Notice of Dismissal”); (ii) the Stipulation of Dismissal with Prejudice of Defendants Walmart, Inc. and Marie Short, filed December 7, 2020 (Doc. 108)(“Stipulation”); (iii) the Joint Motion to Dismiss Plaintiffs’ Complaint with Prejudice, filed August 2, 2021 (Doc. 211)(“Joint Motion”); and (iv) its Stipulated Order Dismissing Plaintiffs’ Complaint with Prejudice, filed August 23, 2021 (Doc. 212)(“Order”). In the Notice of Dismissal, Plaintiffs D. Maria Schmidt, as Personal Representative for the Estate of Dakotah Dedios, Deceased, and Richaline Dedios (“the Plaintiffs”) “submit this notice of voluntary dismissal without prejudice of their claims and causes of action against Defendant Epoch Co. Ltd. only, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).” Notice of Dismissal at 1. In the Stipulation, the Plaintiffs and the Defendants

Epoch Company, Ltd., Epoch Everlasting Play, LLC,<sup>1</sup> Walmart, Inc., and Marie Short (“the Defendants”) stipulate that “all claims that were or could have been asserted against Defendants Walmart, Inc. and Marie Short” should be dismissed with prejudice under rule 41(a)(A)(ii) of the Federal Rules of Civil Procedure. See Stipulation at 1. In the Joint Motion, the Plaintiffs “request that the Court enter an order dismissing Plaintiffs’ claims against Defendants with prejudice” and “dismissing Plaintiffs’ [Complaint for Wrongful Death, Loss of Consortium, Personal Injury, and Punitive Damages, filed October 3, 2019 (Doc. 1-3)(“Complaint”)] with prejudice.” Joint Motion at 1. In the Order, the Court grants the Joint Motion and dismisses the Plaintiffs’ Complaint with prejudice. See Order at 1. There not being any more parties, claims, or issues before the Court, the Court hereby dismisses this action and enters Final Judgment.

**IT IS ORDERED** that: (i) all of Plaintiffs D. Maria Schmidt, as Personal Representative for the Estate of Dakota Dedios, Deceased, and Richaline Dedios’ claims against Defendants Epoch Everlasting Play, LLC, Walmart, Inc., and Marie Short are dismissed with prejudice; (ii) all of Plaintiffs’ claims against Epoch Company, Ltd. are dismissed without prejudice; (iii) this case is dismissed; and (iv) Final Judgment is entered.



UNITED STATES DISTRICT JUDGE

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<sup>1</sup>“International Playthings LLC is not a separate entity, but is the same company as [Epoch Everlasting Play, LLC]. International Playthings LLC changed its name to Epoch Everlasting Play LLC in 2017.” Amended Notice of Removal ¶ 12, at 3, filed November 6, 2019 (Doc 22). See Certificate of Amendment at 1-2, filed November 6, 2019 (Doc. 22-2)(changing International Playthings LLC’s name to Epoch Everlasting Play LLC).

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